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Comprehensive review of special political missions

Overall policy matters pertaining to special political missions

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 70/92, in which the Assembly requested the Secretary-General to submit, at its seventy-first session, a report on overall policy matters pertaining to special political missions, including efforts towards improving transparency, accountability, geographical representation, gender participation, expertise and effectiveness in respect of all special political missions. The Assembly also encouraged the Secretary-General, in this regard, to include relevant detailed information on these matters in the report.

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I. Introduction

1. Special political missions have remained at the forefront of the United Nations response to the continuing deterioration in global security over the past 12 months. In countries such as Afghanistan, Iraq, Libya, Somalia, the Syrian Arab Republic and Yemen, these missions have continued to play an active role in preventing conflict, bringing the parties to the negotiating table, facilitating peace agreements and supporting local initiatives and complex political transitions to sustain peace. In West Africa and the Sahel, Central Africa, the Middle East, Central Asia and the Great Lakes region, special political missions with a regional mandate are working side-by-side with regional and subregional organizations to identify early warning indicators of crises and build a collective response to prevent them from escalating.

2. In 2016, the operating environment in which special political missions work has continued to increase in complexity. Terrorism, transnational organized crime, arms proliferation, rising intercommunal tensions, environmental degradation, fragmented power structures and institutional fragility are now common features in many of the countries to which they are deployed. As the challenges that the missions face have become more complex, so have their mandates and institutional design. One of the most significant characteristics of missions today is the diversity in their functions and structures. The missions can range from small offices of special envoys carrying out a good offices mandate and regional offices with a preventive function to monitoring teams, groups and panels overseeing Security Council sanctions regimes, field-based missions carrying out specialized mandates, such as electoral observation, and complex, multidimensional operations with comprehensive mandates to support fragile transitions and sustain peace.

3. Today, awareness of the objectives, roles and functions of special political missions is greater than ever, and the active participation of Member States in the discussions of the Fourth Committee on the missions, as well as the regular interaction between the Secretariat and Member States, have been important factors in promoting such awareness. The missions were a central focus of the multiple policy reviews carried out over the past 18 months, in particular the report of the High-level Independent Panel on Peace Operations (A/70/95-S/2015/446), my follow-up report, "The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations" (A/70/357-S/2015/682), and the resolutions adopted by the General Assembly (resolution 70/262) and the Security Council (resolution 2282 (2016)) on sustaining peace. The United Nations system has collectively committed itself to implementing this forward-looking reform agenda, and the present report provides information on aspects of this work.

4. The present report, my fourth, to the General Assembly on overall policy matters pertaining to special political missions, covers developments during the period from 15 September 2015 to 1 August 2016. Section II focuses on key developments. Section III provides detailed information on the interactive dialogue with Member States, held on 2 May 2016, and the rich exchange on the role of United Nations regional offices. Section IV addresses various policy issues pertaining to the missions, including areas relating to the follow-up to the three major peace and security reviews carried out within the Organization over the past two years. Section V contains some observations on the way forward.

II. Key developments

5. One major development was the historic commitment taken by the Government of Colombia and the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP) to end the conflict in that country, which has lasted for more than five decades. On 23 June 2016, following four years of negotiations in Havana, the Government and FARC-EP signed an agreement on a bilateral and definitive ceasefire and cessation of hostilities and the laying down of arms. I had the privilege to attend the signing ceremony in Havana, where I reiterated the commitment of the United Nations to spare no effort in supporting both parties to translate a remarkable negotiating process into an exemplary implementation of the peace commitments.

6. In anticipation of the final peace agreement, the United Nations had already begun its work in preparation for a possible supporting role. On 19 January 2016, the Government of Colombia, on the basis of a joint communiqué with FARC-EP, addressed identical letters to me and to the President of the Security Council in which it requested the establishment of a United Nations special political mission to monitor and verify the laying down of arms and serve as the international component of the tripartite mechanism that would monitor and verify the agreement (S/2016/53). On 25 January 2016, the Council established a political mission of unarmed international observers, namely, the United Nations Mission in Colombia, to undertake the functions outlined by the parties in the joint communiqué. In its resolution 2261 (2016), the Council requested that I initiate preparations immediately, including on the ground, and approved the Mission's mandate for a period of 12 months, which would start following the signing of the peace agreement. Efforts continued in Havana to conclude the peace process and in Colombia to prepare for the beginning of the ceasefire and the laying down of arms.

7. On 28 January 2016, the Security Council requested me to proceed with a merger of the United Nations Office for West Africa (UNOWA) and the Office of the Special Envoy of the Secretary-General for the Sahel into the United Nations Office for West Africa and the Sahel (UNOWAS). The Council's request was preceded by a strategic review carried out by the Office of the Special Envoy from October to December 2015 in New York and in the region, namely, in Bamako, Dakar and Nouakchott, to assess the progress made and to analyse the current challenges and opportunities in facilitating the implementation of the United Nations integrated strategy for the Sahel. In a letter dated 14 January 2016, I presented the findings of this strategic review and informed the Council of my intention to implement its recommendations, including the initiative of the Office of the Special Envoy and UNOWA. In addition to authorizing the merger, the Council encouraged UNOWAS to make further progress towards the implementation of the integrated strategy and to continue to work closely with the States of the region, including the Group of Five for the Sahel in order to tackle the threats to peace, security and development in the Sahel and their root causes.

8. The United Nations Electoral Observation Mission in Burundi (MENUB), which began its operations to monitor and report on the electoral process on 1 January 2015, concluded its mandate on 18 November 2015, following its observation of the legislative and municipal elections (29 June 2015), the presidential elections (21 July 2015), the senate elections (24 July 2015) and the

election of local and municipal leaders (24 August 2016). The Mission's operations ended on 31 December 2015.

9. On 20 July 2015, the Security Council adopted resolution 2231 (2015), in which it endorsed the Joint Comprehensive Plan of Action, which had been concluded on 14 July 2015, between China, France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and the European Union, with the Islamic Republic of Iran. On 16 January 2016, as provided for by resolution 2231 (2015), all the provisions of previous resolutions on the Iranian nuclear issue were terminated. On the same day, all the provisions of annex B to resolution 2231 (2015) entered into force. All States are now to comply with paragraphs 1, 2, 4 and 5 and the provisions in paragraphs 6 (a) to (f) of annex B for the duration specified therein and are called upon to comply with paragraphs 3 and 7 of annex B. The provisions include those on nuclear-related transfers, which will apply for up to 10 years, missile-related transfers and financial measures, including an asset freeze, which will apply for up to 8 years, and arms-related transfers and a travel ban, which will apply for up to 5 years. In its resolution 2231 (2015) and the note by its President of 16 January 2016 (S/2016/44), the Council requested that I report on the implementation of resolution 2231 (2015), with findings and recommendations, every six months. My first report was submitted to the Council on 12 July 2016 (S/2016/589). In October 2025, provided that the provisions of previous Council resolutions have not been reinstated in the event of significant non-compliance with the Joint Comprehensive Plan of Action, all the provisions of resolution 2231 (2015) will be terminated and the Council will have concluded its consideration of the Iranian nuclear issue.

10. On 17 December 2015, the Security Council adopted resolution 2253 (2015), by which it decided that the sanctions measures of an asset freeze, travel ban and arms embargo would also be imposed with respect to the Islamic State in Iraq and the Levant (ISIL), also known as Da'esh. The Council also renamed the Committee the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities. Moreover, the Council, in the same resolution, requested me to add up to two more experts in the Analytical Support and Sanctions Monitoring Team and to provide the additional administrative and analytical support resources needed to increase its capacity and strengthen its ability to analyse ISIL's financing, radicalization and recruitment, as well as support the resulting increased activities of the Committee by the Secretariat. Additionally, the Council directed the Secretariat, with the assistance of the Monitoring Team, to build and maintain the data model approved by the Committee, with a view to its completion by June 2017, and requested me to provide additional resources in this regard.

11. On 2 March 2016, the Security Council, in response to the fourth nuclear test carried out by the Democratic People's Republic of Korea on 6 January 2016 and its repeated launching of ballistic missiles in 2014 and 2015, adopted resolution 2270 (2016). The resolution significantly expanded existing sanctions measures and also established new ones regarding the Democratic People's Republic of Korea. An additional 16 individuals and 12 entities were designated as subject to the Council's travel ban and/or asset freeze, while 31 vessels owned by a designated entity were listed in annex III to the resolution as subject to the asset freeze. The Council called upon Member States to report to it within 90 days of the adoption of the resolution,

and thereafter upon request by the Committee, on concrete measures undertaken to implement effectively the provisions of the resolution.

12. On 28 April 2016, the Security Council, in its resolution 2283 (2016), decided to terminate measures concerning the arms and related materiel and travel and financial measures in relation to Côte d'Ivoire. The Council also decided to dissolve the Committee established pursuant to resolution 1572 (2004) and the Group of Experts established pursuant to resolution 1584 (2005).

13. On 25 May 2016, the Security Council, in its resolution 2288 (2016), terminated the remaining arms measures in relation to Liberia. The Council also decided to dissolve the Committee established pursuant to resolution 1521 (2003) and the Panel of Experts established pursuant to that resolution.

14. On 14 June 2016, the Security Council, in its resolution 2292 (2016), authorized, for a period of 12 months, inspections on the high seas off the coast of Libya, of vessels that Member States have reasonable grounds to believe are carrying arms or related materiel to or from Libya in violation of the arms embargo. In the same resolution, the Council requested that I submit a report on the threat posed to Libya and neighbouring countries by foreign terrorist fighters recruited by or joining ISIL, Al-Qaida and their associates. That report was submitted on 18 July 2016 (S/2016/627).

III. Interactive dialogue with Member States

15. In its resolution 70/92, the General Assembly requested me to hold regular, inclusive and interactive dialogue on overall policy matters pertaining to special political missions and encouraged the Secretariat to reach out to Member States prior to the holding of such dialogue to ensure wide and meaningful participation. Following close consultations with the Bureau of the Fourth Committee, the Department of Political Affairs organized an interactive dialogue to discuss the role of United Nations regional offices in conflict prevention, peacemaking and peacebuilding. The dialogue was held on 2 May 2016.

16. In his opening remarks, the Under-Secretary-General for Political Affairs recalled that regional offices had been a particular area of focus of the peace and security reviews, which reaffirmed their core preventive role as a forward platform for good offices, preventive diplomacy and cooperation with regional and subregional partners. He highlighted a number of recent cases of successful engagement by regional offices in helping Member States to prevent conflict and sustain peace. Building on the historical record of the United Nations offices in West Africa and the Sahel, Central Africa and Central Asia, he shared seven lessons learned: (a) regional offices operated on the basis of national consent; (b) regional offices played a crucial role in preventing crises from escalating, in averting violence and in building sustained working relationships with local, regional and other actors; (c) regional offices were one of the most visible manifestations of the comprehensive and sustained effort made by the United Nations over the past decade to strengthen its regional partnerships; (d) regional offices played a key role in building the capacity of Member States, as well as regional and subregional organizations, in areas relating to conflict prevention and mediation; (e) based on their mandates, regional offices made a key contribution to helping Member States to address transnational organized crime and drug and other illicit trafficking, as

well as other cross-border threats and challenges; (f) regional offices provided a platform for closer coordination with a broad range of United Nations actors, in particular country teams, other special political missions and peacekeeping operations, thus ensuring greater coherence and an all-of-United Nations response; and (g) regional offices were one of the most cost-effective investments in the area of conflict prevention, with annual budgets ranging from 3 to 10 million dollars.

17. In the ensuing discussion, several Member States took the floor and addressed a number of key themes of relevance for special political missions. The majority of speakers underscored the priority that they attached to conflict prevention and called for a redoubling of efforts in that area as a matter of urgency, in line with the recommendations contained in the various peace and security reviews carried out over the past 18 months. Member States also highlighted the credible and discreet role of regional offices in prevention, noting that they had proved to be an effective way of supporting preventive engagements in their regions. A Member State that had received support from a regional office in a preventive context provided a detailed account of how such offices worked closely with national authorities to help them to find inclusive solutions to emerging crises. In that regard, a number of speakers endorsed the recommendation made by the High-level Independent Panel on Peace Operations for an expansion in the network of new regional offices, where appropriate.

18. Member States welcomed the principle that regional offices operated on the basis of national consent, which allowed them to work hand-in-hand with national authorities in carrying out their mandates. They also praised the close collaboration between those offices and regional and subregional organizations for the implementation of their mandates.

19. A number of Member States made reference to the identical resolutions on the review of the peacebuilding architecture adopted by the General Assembly and the Security Council and underscored the important role played by special political missions in sustaining peace. They recalled that the resolutions had been designed to shift the peace and security approach of the United Nations from a reactive to a preventive role, highlighting that that was also the rationale of many missions, and of regional offices in particular. They called upon the Organization to work towards reducing fragmentation, as recommended in the resolutions, and ensuring a coherent United Nations response to sustaining peace.

20. The women, peace and security agenda was highlighted by many participants as a priority going forward and an essential step in ensuring that the United Nations could play an effective role in conflict prevention, peacemaking and peacebuilding. Some Member States referred to the findings of the global study on the implementation of Security Council resolution 1325 (2000), which contained specific recommendations for peace operations, including special political missions.

21. Many Member States highlighted the cost-effectiveness of regional offices, noting that they had been able to achieve concrete results in preventing conflict while operating with relatively modest operational budgets. Questions relating to the funding and backstopping arrangements for special political missions were also raised by a number of Member States, many of which called for the General Assembly to adopt the recommendations of the Advisory Committee on Administrative and Budgetary Questions in that regard.

22. Member States welcomed the organization of interactive dialogue on policy issues relating to special political missions and noted that such exchanges between the Secretariat and the membership should be regular and systematized, thus enhancing cooperation and common understanding.

IV. Key policy issues pertaining to special political missions

Preventing conflict and sustaining peace

23. Since the release of the report of the High-level Independent Panel on Peace Operations and my follow-up report, there has been continued urgency and momentum to strengthen the ability of the United Nations to prevent the lapse and relapse into violent conflict. Over the past year, I took a number of steps to transform such a vision of the United Nations into reality.

24. As suggested by the High-level Independent Panel on Peace Operations, I have worked to enhance United Nations capacities for conflict analysis, early warning and planning. In 2015, I set up a new analysis and planning capacity in my Executive Office, which plays a crucial role in triggering earlier and more integrated analysis across the United Nations system, including in areas where special political missions are deployed. The Human Rights Up Front initiative has provided a coherent and rigorous framework for an integrated and early response in situations in which there is a risk of serious human rights violations. Internal conflict analysis methodologies are being reviewed and refined to better respond to the operational demands of prevention. These actions are not exclusive to Headquarters. At the field level, the Organization has worked to strengthen the analytical capacities of various missions. I welcome, in particular, the decisions of the General Assembly to strengthen the analytical capacities of UNOWAS and the United Nations Regional Office for Central Africa (UNOCA).

25. On 19 February 2016, I submitted a detailed proposal to the General Assembly on ways to revitalize the Organization's work in the area of conflict prevention and mediation (see A/70/745). In particular, my proposal was aimed at reinforcing the core capacities of the United Nations in this area, within the Department of Political Affairs, and to strengthen its work in five key areas: (a) stronger political analysis in areas relating to conflict prevention and mediation; (b) an enhanced ability to address regional and subregional dynamics; (c) closer and more strategic cooperation with regional and subregional organizations in conflict prevention and mediation; (d) an improved ability to translate early warning information into early action, including by expanding the range of deployable and field-based capacities in support of Member States and regional and subregional organizations; and (e) stronger technical expertise in critical areas relating to conflict prevention and mediation, in particular commitments relating to women, peace and security. The Assembly has endorsed parts of my proposal, and I will continue to press my case for the further strengthening of core United Nations capacities in this area, including in the context of the 2018-2019 programme budget.

26. The adoption of the resolutions on the review of the United Nations peacebuilding architecture (General Assembly resolution 70/262 and Security Council resolution 2282 (2016)) provided further impetus to the conflict-prevention agenda across the Organization. In those resolutions, "sustaining peace" is defined as "a goal and a process to build a common vision of a society, ensuring that the

needs of all segments of the population are taken into account, which encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict". This definition eliminates the distinction between post-conflict peacebuilding and other forms of prevention, recognizing that they are inherently similar activities that rely on a common set of tools. Sustaining peace encompasses all efforts aimed at "addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation, and moving towards recovery, reconstruction and development". The resolutions also build on the 2030 Agenda for Sustainable Development, emphasizing the cross-cutting nature of the Sustainable Development Goals. Implementation of the Agenda will require eliminating fragmentation across the three pillars of peace and security, development and human rights.

27. Sustaining peace lies at the core of the work of special political missions. From missions deployed in a preventive setting, such as regional offices, to those working to find a peaceful solution to a violent conflict, such as the special envoys for the Syrian Arab Republic and Yemen, and to those deployed to support fragile political transitions, such as our missions in Afghanistan, Iraq and Somalia, making and sustaining peace is a common thread. More specifically, the missions are directly engaged, or have been engaged, in four of the six countries on the agenda of the Peacebuilding Commission: Burundi, Guinea, Guinea-Bissau and Sierra Leone. In the case of the latter country, the United Nations Integrated Peacebuilding Office in Sierra Leone successfully concluded its mandate in March 2014.

28. I welcome the resolutions on the United Nations peacebuilding architecture, which recognize the critical role played by special political missions in this area. The resolutions also clarify the expectations of Member States regarding how our missions in the field should be further adapted. Specifically, I will remain committed to ensuring that the strategic analysis that informs my recommendations to the Security Council on mission design, review and drawdown takes into account the longer-term perspective required for sustaining peace. The question of funding for the implementation of the various peacebuilding mandates of the missions, notably for programmatic purposes in areas relating to institution-building, will remain key.

Regional partnerships

29. Close cooperation with regional and subregional organizations is paramount to the success of the conflict-prevention, peacemaking and peacebuilding engagements of the United Nations. Special political missions remain at the forefront of this cooperation, working closely with their regional counterparts. In many instances, cooperation with regional or subregional organizations is a core part of their mandate. For example, UNOCA is mandated to cooperate with the Economic Community of Central African States (ECCAS) and other regional organizations or key partners and to assist them in the promotion of peace and stability in the subregion. Similarly, the newly established United Nations Mission in Colombia is mandated to work side-by-side with the Community of Latin American and Caribbean States (CELAC).

30. Cooperation between the United Nations and regional or subregional organizations takes place both at Headquarters and in the field. The network of liaison offices established by the Secretariat with regional partners, such as the

African Union (in Addis Ababa), the Southern African Development Community (in Gaborone), the Association of Southeast Asian Nations (in Jakarta), and the European Union (in Brussels), has contributed to enhancing day-to-day collaboration. With several regional partners, such as the Intergovernmental Authority on Development, the Secretariat has signed cooperation agreements that outline key areas of cooperation and mechanisms for regular exchanges. Through its partnerships, the United Nations interacts with its regional and subregional counterparts at all levels, from my communications with the heads of regional organizations to desk-to-desk dialogues. My regular retreats with heads of regional and subregional organizations have been an important forum for taking stock and exchanging experiences.

31. Regional partnerships have also been operational in the field. For example, UNOWAS has worked closely with the Economic Community of West African States (ECOWAS) to enhance its mediation and early warning capacity. In January 2016, UNOWAS and ECOWAS conducted a joint working session to assess threats and developments affecting the subregion and identify areas for joint activities and programmes. Similarly, UNOWAS has worked closely with ECOWAS towards the adoption of a new regional action plan on women, peace and security. The United Nations Regional Centre for Preventive Diplomacy for Central Asia cooperates regularly with the Shanghai Cooperation Organization, and participated in the fifteenth summit of the Organization, held in Tashkent in June 2016. In Central Africa, UNOCA and ECCAS have continued to work together both on country-specific issues, such as the international mediation on the Central African Republic, and to address cross-border challenges facing the subregion, including the threat posed by groups such as Boko Haram and the Lord's Resistance Army. UNOCA and ECCAS recently signed a cooperation framework agreement, in which conflict prevention and resolution and peacebuilding are placed at the core of UNOCA support for ECCAS. In Somalia, the strategic partnership between the United Nations and the African Union remains the bedrock of international support for a complex peacebuilding and State-building process in the country.

32. The African Union has long been a crucial strategic partner. The United Nations, through the United Nations Office to the African Union, has continued to further advance the partnership with the African Union in conflict prevention, mediation, peacekeeping and field support. In the follow-up to the report of the High-level Independent Panel on Peace Operations, the two entities are developing a joint framework for an enhanced partnership in peace and security that is intended to further institutionalize cooperation and systematize working-level consultations, information-sharing and joint training. It is based on a holistic approach to all stages of the conflict cycle, in particular early warning and conflict prevention. In addition, the United Nations and the African Union have continued to work to address other aspects of the recommendations relating to their cooperation, including the ongoing joint review and assessment of mechanisms to finance and support African Union peace operations authorized by the Security Council. I welcome the historic decision taken on 18 July 2016 by the Assembly of Heads of State and Government of the African Union that sets out concrete steps towards self-reliance, in particular in relation to its peace and security budget.

33. The partnership between the United Nations and the European Union on peace and security encompasses strategic, policy and operational cooperation, including through the high-level political dialogue, the high-level counter-terrorism political

dialogue, the twice-yearly meetings of the Steering Committee on Crisis Management and the consultations between the Security Council and the European Union's Political and Security Committee. In particular, the United Nations and the European Union intensified their joint work on conflict prevention. The partnership is unique in its scope, with European Union missions and United Nations special political missions deployed in support or in succession of each other in various parts of the world.

34. With many special political missions operating across the Arab world, cooperation between the United Nations and the League of Arab States remains critical. In May 2016, the United Nations and the League held their thirteenth general cooperation meeting, which is held every two years. The meeting was an opportunity for the two organizations to discuss key areas of collaboration, including conflict prevention, counter-terrorism, electoral assistance and the protection of women and children in conflict. The United Nations and the League agreed to continue to strengthen their partnership on issues of international peace and stability and expand the scope and frequency of consultations at all levels.

Women, peace and security agenda

35. The 2015 peace and security reviews were a pivotal moment for the women, peace and security agenda. The review of the implementation of Security Council resolution 1325 (2000) and the global study on its implementation were important milestones that took stock of existing challenges and pointed the way forward. Together, the reviews conveyed a strong common message: that the direct and effective involvement and leadership of women in peace processes, politics, public institutions and justice systems was essential to peaceful societies and achieving sustainable development.

36. In order to respond to the expectations of Member States, the Department of Political Affairs took several steps to accelerate progress in the implementation of the women, peace and security agenda, building on the 15 commitments that the Department had undertaken. In a signal of the importance that the Department attaches to this agenda, the Under-Secretary-General for Political Affairs decided to act as the Department's focal point for women, peace and security issues. Gender-equality objectives and performance measures have been included in my compact with Special Representatives and heads of missions, thus helping to ensure senior management accountability for the translation of these commitments to the field.

37. In order to strengthen its gender architecture and the support that it can provide to its activities in the field, the Department of Political Affairs has established a full, stand-alone gender, peace and security unit and developed a Department-wide gender strategy outlining key priorities relating to gender and women, peace and security issues. The strategy, which was consulted on and shared with all field missions, outlines the Department's areas of focus for the next five years: mainstreaming gender into conflict prevention, efforts to counter terrorism and prevent violent extremism, promoting women's political participation through electoral assistance, building capacity on conflict-related sexual violence and expanding partnerships with relevant United Nations entities to link mediation tracks and engage civil society. I am grateful that the General Assembly approved, last June, the establishment of a senior gender adviser position in the Policy and Mediation Division, which will oversee the work of the unit.

38. In the field, the Department of Political Affairs has continued to take steps to translate its women, peace and security commitments into a reality. Since 2014, my reports to the Security Council on special political missions have all contained information on women, peace and security, and an increasing number of missions provide sex-disaggregated data in their analysis. The missions have also continued to seek to increase the number of women participating in United Nations-led or co-led mediation processes.

39. The work of my Special Envoy for Syria illustrates how women's perspectives may be effectively considered at the peace table, in particular in the light of his call for a minimum 30 per cent representation of women in official delegations. In February 2016, he established the Syrian Women's Advisory Board, with the support of the United Nations Entity for Gender Equality and the Empowerment of Women, the first body of its kind in the history of the United Nations. The Board, which comprises 12 Syrian women representatives of civil society organizations, met almost daily with the Office of the Special Envoy during the intra-Syrian talks to provide analysis and advice on gender and to discuss substantive issues. In Libya, the United Nations Support Mission in Libya (UNSMIL) has continued to promote women's participation in the Libyan political dialogue and constitutional drafting process, including through the launch of a separate women's track to ensure regular consultations with activists and the organization of a conference for 38 women's groups, which led to the development of the Libyan women's agenda for peace.

Flexibility of special political missions

40. One of the singular features regarding special political missions since the early years of the Organization relates to their flexibility. Throughout the history of the United Nations, the missions have been deployed in various political, socioeconomic and security contexts, and their functions have also varied considerably, ranging from conflict prevention or the facilitation of peace agreements to specialized tasks, such as assisting Member States in border demarcation or disarmament activities, and a wide range of peacebuilding activities. The emergence of these missions was in answer to the need for the Organization to respond flexibly to the wide range of situations in which Member States required support.

41. The historical experience of special political missions shows that the tools available to them can be adapted and fine-tuned to the specific needs of a particular situation, in line with the mandate that the United Nations is asked to perform and deliver. This diversity in mission models is clearly demonstrated by comparing the mandates of various missions, such as the Cameroon-Nigeria Mixed Commission, MENUB, the United Nations Regional Centre for Preventive Diplomacy for Central Asia, the Panel of Experts on Libya and the Joint Mission of the Organization for the Prohibition of Chemical Weapons and the United Nations for the Elimination of the Chemical Weapons Programme of the Syrian Arab Republic.

42. The diversity of mission models aligns closely with the call made by the High-level Independent Panel on Peace Operations for the Organization to deliver more flexibly tailored missions that are a "right fit" and not a "template". The establishment of the United Nations Mission in Colombia is a case in point. The Government of Colombia and FARC-EP requested the Organization to play a well-defined role, namely, to support, as the international component of the tripartite

mechanism for the monitoring and verification of the peace agreement, the ceasefire and the bilateral and definitive cessation of hostilities and abandonment of arms. The parties also requested that the United Nations work jointly with CELAC, given that the States members of CELAC would provide the unarmed international observers who will monitor the implementation of the agreement. To accomplish this, the United Nations must devise a flexible and creative design for the mission that responds to the demands of the parties and the evolving needs of the situation on the ground and that would be ready to deploy on the first day after the signing of the agreement.

43. The Mission in Colombia is just one of many recent examples of how special political missions have leveraged flexibility in their design in order to more effectively implement their mandates. In Libya, since its evacuation in July 2014, UNSMIL has had to continuously rethink its operational modality in view of the security situation on the ground. A strategic assessment helped to adjust the mission's structure, allowing it to operate from Tunis until conditions on the ground improved, while supporting the formation of a Government of National Accord. After the establishment of the Presidency Council in Tripoli on 30 March 2016, the Security Council encouraged the mission to re-establish a permanent presence in Libya through a phased return, as political and security conditions allowed, to support the recently established organs. Doing so will require the mission to reassess conditions on the ground and its operational profile in order to deliver its mandate, while ensuring that the minimum security requirements are in place for UNSMIL to return to Tripoli.

44. Similarly, in the Syrian Arab Republic and Yemen, the United Nations has been able to regularly adjust the profile of the special political missions to better support the progress made in negotiations. With regard to the Syrian Arab Republic, the Security Council, in its resolutions 2254 (2015) and 2268 (2016), required the Office of the Special Envoy of the Secretary-General for Syria to increase the level and type of support provided to the International Syria Support Group. In addition to reviewing elements relating to the mission's profile, the Council required the mission to increase its capacity to support the various mechanisms established in the context of the Group, such as the Task Force on Humanitarian Access and the Task Force on the Ceasefire.

45. In Yemen, developments on the ground also required the Office of the Special Envoy of the Secretary-General for Yemen to adjust its structure and profile in order to support the initiative by Yemeni and international parties to achieve the full and timely implementation of the political transition following the National Dialogue Conference. Further to a request by the Security Council, I presented a plan outlining how the Office would support the next phase of its work with the parties, in particular the development of a road map for the implementation of interim security measures. In particular, I proposed to move the Office to Amman and to strengthen it to perform a number of functions, specifically those relating to good offices and technical assistance to the parties (see S/2016/488). My plan provides for a phased implementation of United Nations support, which would depend on the progress made in the talks in Kuwait, and subsequent rounds, to establish peace.

46. These examples show how the mandates, structures and operational profile of special political missions can be regularly adapted to the specific demands of each situation. As conflicts evolve, both in terms of their political dynamics and security

situation, missions must adapt to the realities on the ground if they are to successfully carry out their mandates. I will continue to engage in a regular dialogue with the Security Council and the General Assembly, as appropriate, in order to ensure that mandates are adjusted to the needs on the ground and to press for administrative and budgetary reforms that continue to increase the flexibility of deployment, in line with the recommendations contained in my report on the future of United Nations peace operations.

Safety and security

47. The deteriorating operational environment for special political missions has had major implications for their overall security and for the safety of United Nations staff. As the missions have evolved into one of the most utilized mechanisms of United Nations support for facilitating peace agreements and for their implementation, they have been increasingly deployed to highly volatile situations, including in violent conflicts.

48. Today, some 90 per cent of the personnel working in special political missions are stationed in countries experiencing high-intensity conflict. In a number of operational environments, such as Afghanistan, Iraq, Libya, Somalia, the Syrian Arab Republic and Yemen, the Organization is exposed to violence, at times as a direct target, in particular by extremist groups. Since the Canal Hotel bombing in Baghdad in 2003, United Nations staff and premises have been targeted by such groups in various settings.

49. Given the civilian nature of special political missions, these contexts present an increasing and direct challenge to the Organization's ability to "stay and deliver". Unlike peacekeeping operations, where a unit within the force may be dedicated to the protection of the mission and its personnel, special political missions have to rely primarily on the host Government for protection. Where the Government's capacity is weak or absent, the missions have limited tools to address their security. In many instances, this has led to the need to evacuate United Nations staff when the security situation deteriorates.

50. A significant implication of the deteriorating security environment for special political missions is its impact on mandate delivery. In volatile environments, a heightened risk of attack against United Nations personnel may lead to the so-called "bunkerization" of the presence on the ground. Heightened security measures, while necessary, may limit the space for outreach and the direct engagement of local communities, thus hindering one of the most important partnerships that a mission needs to establish. In addition, volatile settings can have a significant budgetary impact on missions. In such instances, the security-related costs associated with their presence can constitute one of the main components of their budgets.

51. Over the past few years, the Organization has explored a number of options for ensuring the security of special political missions in the field, such as the deployment of United Nations civilian security personnel, increased cooperation with regional partners that may have military personnel on the ground, the use of private military companies (local companies in the majority of cases), as set out in General Assembly resolution 67/254, and the deployment of guard units authorized by the Security Council. In line with General Assembly resolution 69/133, special political missions operating in environments with high or very high residual security risk levels implement, in coordination with the respective country teams, the

programme criticality framework, which allows for informed decision-making on the acceptable level of risk to United Nations personnel.

52. In order to streamline resources and improve coherence between accountability and the chain of command, the Secretariat is promoting an integration project. The Department of Safety and Security has embarked on a significant programme to integrate all security personnel of the Secretariat under the leadership of the Under-Secretary-General for Safety and Security, with the full support of the Department of Political Affairs, the Department of Peacekeeping Operations and the Department of Field Support (see A/70/383 and General Assembly resolution 70/104). The goal of the project is to have one Department responsible and resourced for all safety and security arrangements and services, which would provide quality and flexible service to all clients of the United Nations security management system at Headquarters and in the field with a single, effective chain of management authority, responsibility and accountability. Integration will be beneficial for special political missions because it will improve security service delivery and increase effectiveness in the use of security resources and the overall professionalism, knowledge, skills and experience of security personnel. Such an approach is crucial in view of the evolving security environment and the need for a more flexible, agile and robust security response capability.

Geographical distribution and gender representation

53. Ensuring that the United Nations has employees who reflect the diversity of its membership and its global presence has been one of my core commitments as Secretary-General. Both at Headquarters and in the field, including in special political missions, I have sought to enhance the geographical and gender representation of our staff, in particular when making decisions on senior leadership appointments. In this regard, efforts have been made to bring greater succession planning and flexibility to the process of field appointments, including through the maintenance of a leadership database with profiles of potential candidates for senior leadership positions. The database is continually growing and updated through targeted outreach, with particular focus on Member States that are underrepresented in field missions.

54. Efforts to make the staff of special political missions more representative of the United Nations membership will continue. As of late 2015, the distribution of the 1,053 international staff serving in the missions administered by the Department of Field Support were as follows: 25.4 per cent from the African group, 24.3 per cent from the Asia-Pacific group, 12.7 per cent from the Eastern European group, 4.9 per cent from the Latin America and Caribbean group and 32.7 per cent from the Western European and Others group. In terms of the 1,770 locally recruited staff members serving in the missions administered by the Department, 13.5 per cent were from the African group, 85.4 per cent from the Asia-Pacific group, 0.1 per cent from the Eastern European group and 1 per cent from the Western European and Others group.

55. Improving the representation of women throughout the Organization, including in field-based special political missions, has remained one of the long-standing priorities. While there has been a generally positive trend in this regard since 2006, including in senior leadership positions, progress remains inadequate. As of late 2015, only 28.1 per cent of internationally recruited staff and 13.1 per

cent of locally recruited staff serving in the missions were women, revealing that continued efforts will be required in order to improve the representation of women. I am committed to continuing to identify and appoint women heads and deputy heads in field missions through to the end of my tenure and am confident that this will remain an important objective for my successor. In addition to the appointment of women, it is critical to ensure that the next generation of leaders, both men and women, are fully empowered to carry out their mandates and that women, peace and security issues are prioritized. This is why existing training efforts, such as the high-level seminar on gender and inclusive mediation processes and the high-level mediation course will remain essential to increase the number of women in senior leadership positions and to advance the women, peace and security agenda.

Transparency and accountability

56. Over the past 12 months, the Secretariat has continued to take important steps to improve transparency and information-sharing regarding special political missions. The interactive dialogue with Member States remains an important means of exchanging views on specific policy issues. In addition to interactive dialogue, the Secretariat has continued to engage with the membership in a number of different forums and, over the past 18 months in particular, in the context of the three peace and security reviews.

57. One of the most important initiatives in this regard was the high-level thematic debate on peace and security organized by the President of the General Assembly on 10 and 11 May 2016. The event was a unique platform to build on the common trends and synergies among the three reviews and to explore their links to the 2030 Agenda for Sustainable Development and the Paris Agreement under the United Nations Framework Convention on Climate Change. The conclusions and observations shared by the President on 19 May 2016 further underscore the great importance attached by Member States to conflict prevention. There was a general recognition that the challenges being faced by the Organization will require the United Nations to continually emphasize its diplomatic and preventive functions, seek new partnerships at the political and operational levels and explore effective mechanisms for mandate implementation. The Department of Political Affairs participated in a number of side events during the high-level thematic debate, sharing lessons learned from special political missions in areas such as conflict prevention, regional partnerships and women and mediation.

58. One of the key areas of recommendation from the review of peace operations was the need for accountable, agile and cost-effective field support for all peace operations, including special political missions. In my report on the future of United Nations peace operations, I put forward a comprehensive agenda to make the Organization's systems more field-oriented and responsive to the dynamic needs of our missions on the ground. At the core of this discussion is the need to empower field missions by aligning accountability for results with enhanced authority and decision-making responsibilities.

59. The implementation of most of these recommendations is under way or has been completed. In March 2016, standing administrative measures were put in place to allow for a more efficient crisis response and mission start-ups. These measures have already been successfully applied for the deployment of the United Nations Mission in Colombia. Led by the Department of Management and Department of

Field Support, the Organization has initiated a review of the key processes that may hinder agile and efficient field support, addressing a range of areas, including human resources, acquisition planning and procurement, information and communications technology and budget development.

V. Observations

60. This is the last report on overall policy matters pertaining to special political missions that I will submit during my tenure. I am honoured to have overseen the continued strengthening of interactions between Member States and the Secretariat on overall policy matters pertaining to the missions. The missions continue to be a central component of the toolbox available to the Security Council and the General Assembly to prevent and resolve conflicts and to sustain peace. This is illustrated by the successful work carried out by the missions that have been discontinued during my tenure, such as the United Nations Mission in Nepal, the United Nations Integrated Peacebuilding Office in Sierra Leone, the Joint Mission of the Organization for the Prohibition of Chemical Weapons and the United Nations for the Elimination of the Chemical Weapons Programme of the Syrian Arab Republic, the Group of Experts on Côte d'Ivoire and the United Nations Panel of Experts on Liberia. While I am disappointed that some critical challenges facing special political missions have yet to be resolved, such as the question of funding and backstopping arrangements, I am confident that Member States at large see the great value of the work of these missions in the field.

61. Over the past 18 months, we have seen a number of reforms that may change the way in which the Organization operates in the future. The adoption of the 2030 Agenda for Sustainable Development, the review of peace operations and the new resolutions of the Security Council and the General Assembly on sustaining peace have set a new collective agenda that closely links our work in peace and security, development and human rights. Going forward, the special political missions will be critical tools to advance this agenda. They are well placed to turn the abstract commitments made in New York into concrete actions that change the lives and livelihoods of the people they serve in the field. To achieve this goal, they will continue to require the sustained political and financial commitment of Member States.

Annex

United Nations special political missions (as at 1 August 2016)

Special Envoys

1. Special Adviser to the Secretary-General on Cyprus
2. Office of the Special Envoy of the Secretary-General for the Great Lakes Region
3. Special Adviser to the Secretary-General on Myanmar
4. Special Adviser of the Secretary-General on the Prevention of Genocide
5. Office of the Special Envoy of the Secretary-General for the Sudan and South Sudan
6. Office of the Special Envoy of the Secretary-General for Syria
7. Personal Envoy of the Secretary-General for Western Sahara
8. Office of the Special Adviser to the Secretary-General on Yemen
9. Special Envoy of the Secretary-General for the implementation of Security Council resolution 1559 (2004)
10. United Nations Representative to the Geneva International Discussions
11. Office of the Special Adviser to the Secretary-General on Conflict Prevention, including in Burundi

Sanctions panels and monitoring groups

12. Somalia and Eritrea Monitoring Group
13. Group of Experts on the Democratic Republic of the Congo
14. Panel of Experts on the Sudan
15. Panel of Experts on the Democratic People's Republic of Korea
16. Panel of Experts on Libya
17. Panel of Experts on the Central African Republic
18. Panel of Experts on Yemen
19. Panel of Experts on South Sudan
20. Analytical Support and Sanctions Monitoring Team pursuant to Security Council resolutions 1526 (2004) and 2253 (2015) concerning Islamic State in Iraq and the Levant (ISIL) (Da'esh), Al-Qaida and the Taliban and associated individuals and entities
21. Implementation of Security Council resolution 2231 (2015)
22. Support for the Security Council Committee established pursuant to resolution 1540 (2004)
23. Counter-Terrorism Committee Executive Directorate

Field-based missions

24. Office of the United Nations Special Coordinator for Lebanon
25. Office of the United Nations Special Coordinator for the Middle East Peace Process[a]
26. United Nations Assistance Mission in Afghanistan
27. United Nations Assistance Mission for Iraq
28. United Nations Assistance Mission in Somalia
29. United Nations Integrated Peacebuilding Office in Guinea-Bissau
30. United Nations Regional Office for Central Africa
31. United Nations Office for West Africa and the Sahel
32. United Nations Office to the African Union[b]
33. United Nations Regional Centre for Preventive Diplomacy for Central Asia
34. United Nations support for the Cameroon-Nigeria Mixed Commission
35. United Nations Support Mission in Libya
36. United Nations Mission in Colombia

[a] Funded from the regular budget but technically not part of the special political mission budgetary category.

[b] Funded partially from the regular budget but technically not part of the special political mission budgetary category.

United Nations A/71/331

General Assembly

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Seventy-first session
Item 132 (e) of the provisional agenda*
Financial reports and audited financial statements, and reports of the Board of Auditors: capital master plan

Implementation of the recommendations of the Board of Auditors contained in its report on the capital master plan for the year ended 31 December 2015

Report of the Secretary-General

Summary

The present report provides information in response to the recommendations of the Board of Auditors as contained in its report on the capital master plan for the year ended 31 December 2015 (A/71/5 (Vol. V)). The report is submitted in accordance with paragraph 7 of General Assembly resolution 48/216 B, in which the Secretary-General was requested to report to the Assembly at the same time as the Board of Auditors submitted its recommendations to the Assembly on measures taken or to be taken to implement those recommendations.

The Administration has accepted all of the Board's recommendations. The present report provides the Administration's comments as well as information on the status of implementation, the department responsible, the estimated completion date and the priority of each recommendation contained in the report of the Board. In addition, the present report contains updated information on the status of implementation of the recommendations of the Board for prior periods that were reported by the Board as not having been fully implemented in annex III to its current report.

* A/71/150.

16-14068 (E) 160816

Please recycle

I. Introduction

1. In paragraph 7 of its resolution 48/216 B, the General Assembly requested the Secretary-General to report to it on the measures that would be taken to implement the recommendations of the Board of Auditors at the same time as the reports of the Board were submitted to the Assembly.

2. In paragraph 18 of its resolution 70/239, the General Assembly reiterated its request to the Advisory Committee on Administrative and Budgetary Questions to request the Board of Auditors to continue to report annually on the capital master plan, including the remaining activities of the project, until the final close-out of the accounts. Accordingly, the present report is submitted in response to the recommendations of the Board contained in its report on the capital master plan for the year ended 31 December 2015 (A/71/5 (Vol. V)).

II. Implementation of the recommendations for 2015

Overview

3. Table 1 below provides a summary of the status of implementation of all new recommendations of the Board as of August 2016.

Table 1
Status of implementation of all recommendations

Department responsible	*Number of recommendations*	*Implemented*	*In progress*	*Target date set*	*No target date*
Department of Management	5	2	3	2	1
Total	**5**	**2**	**3**	**2**	**1**
Percentage	100	40	60		

4. As indicated in table 1, two of the five recommendations have been implemented and three recommendations are in progress, of which one is scheduled for implementation by the end of 2016 and one by the end of 2018, and one is of an ongoing nature.

Detailed information on implementation status

5. **In paragraph 17(a) of the summary of its report, the Board recommended that the Administration strengthen the approach to managing the project to completion in 2017 by: (a) updating the anticipated final cost of each subproject; (b) updating the project plan to include all key milestones, project activities and resource requirements; and (c) updating the costed risk register to reflect the current stage of the project.**

Department responsible: Department of Management

Status: Implemented

Priority: High

Target date: Not applicable

6. The Administration has in place detailed matrices for the anticipated final cost, the project schedule with key milestones and the updated risk register, which were shared with the Board.

7. **In paragraph 17(b) of the summary of its report, the Board recommended that the Administration apply newly developed project management guidelines of the Office of Central Support Services to provide assurance over the adequacy of current project management arrangements for the capital master plan.**

Department responsible: Department of Management

Status: Implemented

Priority: High

Target date: Not applicable

8. The Administration is applying the project management guidelines that were issued in 2016 in its day-to-day operations, as applicable to the current close-out phase of the project.

9. **In paragraph 17(c) of the summary of its report, the Board recommended that the Administration focus on realizing the full potential benefits from the investment made in the capital master plan and ensure that optimal use is made of the new modern working environment to reduce the use of costly rented accommodation.**

Department responsible: Department of Management

Status: In progress

Priority: High

Target date: Ongoing

10. The Administration acknowledges the potential benefits and is working to optimize the utilization of the renovated buildings through the implementation of a flexible workplace at United Nations Headquarters.

11. **In paragraph 17(d) of the summary of its report, the Board recommended that the Administration perform a detailed analysis of operational data and building malfunctions to help it develop a strong business case for submission to the General Assembly in support of its proposed annual and longer term maintenance budgets.**

Department responsible: Department of Management

Status: In progress

Priority: High

Target date: Fourth quarter of 2018

12. The Administration is committed to undertaking a detailed assessment of its maintenance approach in support of annual and longer term maintenance budgets.

To this end, there is a need to gather comprehensive operational data and build malfunction data in the plant maintenance module of Umoja for a period of at least 12 months. It is envisaged that the plant maintenance module will be fully operational by January 2017, which will allow the assessment to begin after January 2018.

13. **In paragraph 17(e) of the summary of its report, the Board recommended that the Administration present a preliminary analysis of utilities data following the closure of the North Lawn Building to the General Assembly during the main part of its seventy-first session and a full year's data, ready for audit, during the resumed part of the session.**

Department responsible:	Department of Management
Status:	In progress
Priority:	High
Target date:	Fourth quarter of 2016

14. The Administration will include preliminary analysis data of utilities in the fourteenth annual progress report of the Secretary-General on the capital master plan.

III. Implementation of the recommendations for prior financial periods

Overview

15. In paragraph 9 of its resolution 70/238 A, the General Assembly reiterated its request to the Secretary-General to provide in his reports on the implementation of the recommendations of the Board a full explanation for the delays in the implementation of the recommendations of the Board, in particular those recommendations not yet fully implemented that were two or more years old.

16. The overall status of implementation, as of June 2016, of the recommendations contained in the Board's reports on the capital master plan for the past three years is shown in table 2.

Table 2
Overall status of implementation of the recommendations of the Board of Auditors on the capital master plan for prior periods, as of June 2016

Year/report symbol	*Fully implemented*	*In progress*	*Closed by the Board/ overtaken by events*	*Total*
2012/(A/68/5 (Vol. V))	4	2	3	9
2013/(A/69/5 (Vol. V))	1	2	1	4
2014/(A/70/5 (Vol. V))	1	3	1	5
Total	**6**	**7**	**5**	**18**
Percentage	33	39	28	100

17. In annex III to its report (A/71/5 (Vol. V)), the Board provided a summary of the status of implementation as of June 2016 of its 11 extant recommendations relating to prior periods. Of those recommendations, 3 (27 per cent) had been fully implemented, 7 (64 per cent) were in progress and 1 (9 per cent) had been closed by the Board. Information is provided below on the seven recommendations that were in progress and is set out in the order in which the recommendations were presented in annex III of the Board's report. Table 3 summarizes the overall situation as of August 2016.

Table 3

Status of implementation of recommendations from prior periods considered not fully implemented in annex III to the report of the Board of Auditors on the capital master plan for the year ended 31 December 2015

Department responsible	*Number of recommendations*	*Implemented*	*In progress*	*Target date set*	*No target date*
Department of Management	7	1	6	5	1
Total	**7**	**1**	**6**	**5**	**1**
Percentage	100	14	86		

18. As indicated in table 3, of the seven extant recommendations considered not to be fully implemented by the Board, six remain in progress as of August 2016, of which three are scheduled for implementation by the end of 2016, one by the end of 2017 and one by the end of 2018, and one is of an ongoing nature.

Detailed information on implementation status

Report of the Board for the year ended 31 December 2012

19. **In paragraph 77 of its report for the year ended 31 December 2012 (A/68/5 (Vol. V)), the Board recommended that the Administration adopt a whole life cycle asset investment strategy and assess costed options for the through-life maintenance of the Headquarters buildings.**

Department responsible: Department of Management

Status: In progress

Priority: High

Target date: Fourth quarter of 2017

20. Following the issuance of the report of the Secretary-General on the strategic capital review (A/70/697), which included a comparative analysis of the existing reactive approach versus the life cycle replacement approach to capital maintenance, the General Assembly, in its resolution 70/248 B, requested that more detailed information on the potential costs and benefits of a life cycle replacement approach be presented in future reports of the Secretary-General. Subject to further study, the Administration intends to submit the next such report to the Assembly at its seventy-second session.

21. **In paragraph 82 of its report for the year ended 31 December 2012, the Board recommended that the Office of Central Support Services review its ongoing maintenance contracts, based on an assessment of the total scope of facilities management requirements after completion of the capital master plan, and assess the possibilities for obtaining better value from any future strategic commercial relationship.**

Department responsible:	Department of Management
Status:	In progress
Priority:	Medium
Target date:	Fourth quarter of 2018

22. The Administration notes that this recommendation is similar to the new recommendation in paragraph 17(d) of the summary of the Board's current report (A/71/5 (Vol. V)), in which the Administration has indicated that it will engage in an independent review of maintenance practices by the end of 2017, after 12 months of capturing maintenance data in the plant maintenance module of Umoja.

Report of the Board for the year ended 31 December 2013

23. **In paragraph 25(b) of the summary of its report for the year ended 31 December 2013 (A/69/5 (Vol. V)), the Board recommended that the Administration apply independent project assurance to all major projects. There was no established approach to providing independent project assurance in the United Nations.**

Department responsible:	Department of Management
Status:	Implemented
Priority:	High
Target date:	Not applicable

24. The Administration considers this recommendation as implemented since the area of independent assurance is addressed in the construction project guidelines promulgated by the Office of Central Support Services and would be taken into account in the governance structures of all future major capital projects presented for the consideration and decision of the General Assembly.

25. **In paragraph 25(d) of the summary of its report for the year ended 31 December 2013 (A/69/5 (Vol. V)), the Board recommended that the Administration commit to visible senior management leadership on the flexible workspace project. Experience suggested that, like all change initiatives that had an impact on the day-to-day working environment, senior management leading by example would be vital in gaining staff buy-in and securing the intended benefits.**

Department responsible:	Department of Management
Status:	In progress
Priority:	High
Target date:	Ongoing

26. Through meetings and presentations, the flexible workplace project team has engaged in productive discussions with heads of departments on the way forward with the project implementation. In order to provide visible senior management leadership for the flexible workplace project, in April 2016 the Assistant Secretary-General for Central Support Services held an open and frank town hall discussion on the project with staff members. To demonstrate his leadership by example, the Assistant Secretary-General has committed his office to fully implementing the project. The Assistant Secretary-General is also working closely with other senior managers so that they can be champions of the flexible workplace project.

Report of the Board for the year ended 31 December 2014

27. **In paragraph 17(b) of the summary of its report for the year ended 31 December 2014 (A/70/5 (Vol. V)), the Board recommended that the Administration manage and report that the project's outcomes had been delivered, including financial and non-financial benefits expected and achieved from the investment in the capital master plan.**

Department responsible:	Department of Management
Status:	In progress
Priority:	High
Target date:	Fourth quarter of 2016

28. In the thirteenth annual progress report of the Secretary-General on the capital master plan, the Administration included a comprehensive summary of the project benefits in line with the original project mandate and expected achievements. Additional information will be included in the fourteenth annual progress report of the Secretary-General on the capital master plan that will be submitted to the General Assembly.

29. **In paragraph 17(c) of the summary of its report for the year ended 31 December 2014, the Board recommended that the Administration accelerate closure of the remaining capital master plan contracts to increase certainty regarding final project costs and to release any potential savings.**

Department responsible:	Department of Management
Status:	In progress
Priority:	High
Target date:	Fourth quarter of 2016

30. The Administration is committed to ensuring closure of the remaining contracts within schedule and budget. If any uncommitted balances remain after the closure of all contracts, they will be returned to the Member States.

31. **In paragraph 17(d) of the summary of its report for the year ended 31 December 2014, the Board recommended that the Administration report the full amount of any savings arising from contract closure and introduce appropriate governance mechanisms to determine the use that could be made of such savings, including specific consideration of returning savings to Member States.**

Department responsible:	Department of Management
Status:	In progress
Priority:	High
Target date:	Fourth quarter of 2016

32. Information on savings from the cancellation of prior years' obligations and their utilization is provided on a routine basis and will be included in the fourteenth annual progress report of the Secretary-General on the capital master plan. Savings can only be realized once all the work and related operations have been fully completed, the contracts have been closed and all accounts have been fully reconciled. If any uncommitted balances remain after closure of all contracts, they will be returned to the Member States.

United Nations A/71/332

General Assembly

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Seventy-first session
Item 69(b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Moratorium on the use of the death penalty**

Report of the Secretary-General

Summary

The present report is submitted to the General Assembly pursuant to its resolution 69/186. It discusses developments towards the abolition of the death penalty and the establishment of moratoriums on executions. The report also reflects on trends in the use of the death penalty, including the application of international standards relating to the protection of the rights of those facing the death penalty. It also discusses the role of national human rights institutions and private companies, as well as regional and international initiatives for advancing the abolition of the death penalty.

* A/71/150.

** The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. In its resolution 69/186, the General Assembly requested the Secretary-General to report on the implementation of moratoriums on the use of the death penalty at its seventy-first session. In submitting the present report, the Secretary-General draws the Assembly's attention to his recent reports to the Human Rights Council on the question of the death penalty (A/HRC/30/18 and A/HRC/33/20), and to the report of the United Nations High Commissioner for Human Right on the high-level panel discussion on the question of the death penalty (A/HRC/30/21), which was held during the twenty-fifth session of the Human Rights Council, pursuant to Council resolution 26/2. The present report covers the period from December 2014 to July 2016.

II. Availability of data on the use of the death penalty

2. In its resolution 69/186, the General Assembly calls upon all States to make available relevant information with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the number of executions carried out, which could contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty. In its resolution 30/5, adopted in September 2015, the Human Rights Council emphasized that lack of transparency in the use of the death penalty had direct consequences for the human rights of persons sentenced to death and other affected persons. The Council also called upon States that had not yet abolished the death penalty to make available relevant information, disaggregated by sex, age and other applicable criteria with regard to their use of the death penalty.

3. The human rights treaty bodies continued to call upon States parties to ensure the accessibility of information on the death penalty, including information on the gender, age, nationality and other relevant demographics of the persons affected, and the offences for which the death penalty was invoked (see CAT/C/CHN/CO/5, para. 49, and CAT/C/SAU/CO/2, para. 42).

4. As noted by the Secretary-General in his recent reports to the Human Rights Council, up-to-date and accurate global figures on the application of the death penalty are difficult to obtain. Some Governments are reluctant to release information on the number and details of individuals executed. Reportedly, Belarus, China and Viet Nam continue to classify data on the use of the death penalty as a State secret, with disclosure amounting to a criminal offence (see A/HRC/33/20, para. 20). The lack of transparency has direct consequences for the human rights not only of the persons sentenced to death, but also for other affected persons (A/HRC/30/18, paras. 48-54).

5. In countries affected by conflicts, the problem of transparency is compounded, and execution-related information is very difficult to obtain. The Office of the High Commissioner for Human Rights (OHCHR) expressed concern that the Ministry of Justice of Iraq had ceased to communicate information to the United Nations in relation to the implementation of executions.[1]

[1] See http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17051&LangID=E.

III. Developments since the adoption of General Assembly resolution 69/186

A. Abolition of the death penalty

6. During the reporting period, several States took initiatives towards abolition of the death penalty. Of the 193 States Members of the United Nations, 169 were execution-free in 2015. A similar pattern has been reported in the first half of 2016; seven Member States, namely, the Congo, Fiji, Guinea, Madagascar, Mongolia, Nauru and Suriname, have abolished the death penalty. Côte d'Ivoire, which introduced constitutional prohibition of the use of the death penalty in 2000, enacted a law completely removing the death penalty from its Penal Code in 2015.

7. Nepal, which abolished the death penalty in 1997, adopted a new constitution that prohibits making laws providing for the death penalty.[2]

B. Moratoriums

8. In many States, moratoriums on the imposition of the death penalty have been a first step towards abolition. A recent comparative study found that long periods of legislated or de facto moratoriums on executions may allow the criminal justice system to find alternative punishments, assuage fears of rising crime rates and reduce public opposition to abolition.[3] However, in spite of long-term moratoriums, the judicial authorities in some countries continued to impose death sentences.

9. Practice has shown that moratoriums have a beneficial effect on abolition efforts. For example, Burkina Faso has not carried out any executions since 1988, and it voted for all five General Assembly resolutions supporting a moratorium. In addition, a draft bill to abolish the death penalty in the country was tabled in 2015 and remains pending.

10. The Central African Republic, an abolitionist country in practice, has not carried out executions since 1981. In 2015, new legislation in the Central African Republic established a special criminal court for investigating and prosecuting war crimes, crimes against humanity and serious human rights violations and excluded the death penalty as possible punishment.[4] Referring to resolution 69/186 on a moratorium on the use of the death penalty and to other instruments,[5] the new law sets the maximum sentence as life imprisonment.

11. The International Crimes Division of the High Court of Uganda sentenced individuals accused of terror attacks that killed 76 people and maimed many in July 2010 in Kampala to various lengths of imprisonment. Although the Anti-Terrorism

[2] Nepal, Constitution (2015), article 16(2).

[3] Delphine Lourtau and Sandra Babcock, *Pathways to Abolition of the Death Penalty*, Death Penalty Worldwide (Cornell Law School, 2016). Available from http://www.deathpenaltyworldwide.org/Pathways%20to%20Abolition%20Death%20Penalty%20Worldwide%202016-06%20FINAL.pdf.

[4] Central African Republic, Organic Law No. 15-003 (2015), sect. 59.

[5] Additional instruments cited included article 6 of the International Covenant on Civil and Political Rights; article 77 of the Rome Statute of the International Criminal Court; and the Declaration of the Continental Conference on the Abolition of the Death Penalty in Africa.

Act of Uganda still retains the death penalty for terrorist acts that result in death and the State Counsel had sought the death penalty, the Court did not order the death penalty. In its reasoning, the Court found that the death penalty was not punitive enough and that the sentencing of life imprisonment was in line with the moratorium on the death penalty that was in place in Uganda.

12. Sri Lanka expressed a commitment to continuing its 40-year de facto moratorium. Citing both moral grounds and the ineffectiveness of the death penalty as a deterrent, there was consensus among the legislative leadership of Sri Lanka that the death penalty ought to be abolished. Sri Lankan officials have acknowledged that abolishing the death penalty requires persuasion and resolve, and, in particular, the leadership of legislators, activists, editors, academics and jurors.[6]

C. Reduction of the number of offences punishable by death

13. In its resolution 69/186, the General Assembly also called upon States to reduce the number of offences punishable by death. During the reporting period, several States took initiatives to reduce the number of crimes subject to capital punishment. In China, nine crimes punishable by death were removed from the criminal law. In Viet Nam, a revision of the Penal Code abolished the death penalty for seven crimes. In Morocco, the new Code of Military Justice reduced the number of articles that referred to the death penalty from 16 to 5. The Criminal Code of Kazakhstan limits the use of the death penalty to terrorist crimes resulting in loss of life and especially grave crimes committed in wartime. In the Lao People's Democratic Republic, a draft penal code currently under consideration would reduce the number of capital offences from 18 to 8.

14. The recent report of the Secretary-General to the Human Rights Council on the death penalty provides further information on the reduction of the number of crimes punishable by death and the removal of the mandatory death penalty (see A/HRC/33/20, paras. 30-33).

D. National initiatives to advance abolition

15. The Australian Parliament conducted an inquiry into Australia's advocacy for the abolition of the death penalty. The resulting report[7] emphasized that Australia had an obligation to help eradicate the death penalty worldwide and recommended that national guidelines on international police-to-police assistance in death penalty situations be amended to prevent exposure of all persons to the risk of the death penalty.

16. In a report on the death penalty,[8] the Law Commission of India recommended that the Government of India abolish the death penalty for all crimes other than terrorism-related offences, as a first step towards full abolition. In another report

[6] Mangala Samaraweera, Foreign Minister of Sri Lanka, Address at the opening of the sixth World Congress against the Death Penalty, Oslo, 22 June 2016. Available from http://www.mfa.gov.lk/index.php/en/media/media-releases/6517-6wcdp-fm.

[7] Available from http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Death_Penalty/Report.

[8] Available from http://lawcommissionofindia.nic.in/reports/report262.pdf.

from India, prepared by the National Law University in cooperation with the National Legal Services Authority,[9] the socioeconomic profile of prisoners sentenced to death in India and the manner in which they were sentenced to death were investigated. The aim of the report was to understand the structural realities and processes that informed the administration of the death penalty in India. It identified serious problems with fair trial guarantees, as well as particular burdens that marginalized sections of society bear in the context of the death penalty.

17. In Zambia, a parliamentary committee convened a consultation regarding the use of the death penalty and its effectiveness as a deterrent. In its report,[10] the committee recommended a debate on the appropriateness of the death penalty in the Constitution and a decision by the people of Zambia on whether or not to retain the death penalty in the Bill of Rights. It further recommended that if capital punishment were retained in Zambia, it should be imposed only for the most serious crimes.

18. In February 2016, the Constitutional Court of Guatemala declared article 132 of the Penal Code, which provides for the death penalty in cases of homicide, unconstitutional.[11] The Constitutional Court of Zimbabwe is currently hearing a case challenging the constitutionality of the death penalty.

19. In July 2015, the National Assembly of Togo adopted a law authorizing the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights. A bill authorizing accession to the same Protocol was submitted by the Government of Niger to be considered by country's National Assembly.

IV. Trends in the use of the death penalty

A. Increase in the number of executions and executing countries

20. The number of executions reportedly increased during the period covered by the present report.[12] Another important development in 2015 was the fact that there was also an increase in the number of countries carrying out executions.[13] In his statement to the Human Rights Council in March 2016,[14] the United Nations High

[9] National Law University, *Death Penalty India Report* (Delhi, Delhi Press, 2016). Available from http://www.deathpenaltyindia.com/wp-content/uploads/2016/05/Death-Penalty-India-Report-Volume-1.pdf.

[10] Available from http://www.parliament.gov.zm/node/5042.

[11] See Guatemala, Corte de Constitucionalidad, Expediente 1097-2015 (11 February 2016). Available from http://www.cc.gob.gt/DocumentosCC/ResolucionesIntPub/1097-2015.pdf.

[12] Amnesty International reported at least 1,634 executions in 2015 compared with 607 in 2014 — a 54 per cent increase. These figures do not include executions in China. See Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2015*, index number ACT 50/3487/2016 (London, 2016) (available from https://www.amnesty.org/en/documents/act50/3487/2016/en/). See also the submission of Hands Off Cain on the death penalty worldwide 2015-2016 (on file with the Secretariat and available for consultation).

[13] According to Amnesty International, the number of countries executing rose from 22 in 2014 to 25 in 2015 (see https://www.amnesty.org/en/latest/news/2016/04/Alarming-surge-in-recorded-executions-sees-highest-toll-in-more-than-25-years/).

[14] Available from http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E.

Commissioner for Human Rights said that he remained concerned about the excessive use of the death penalty in China, Iran (Islamic Republic of), Iraq, Pakistan, Saudi Arabia and the United States of America.

21. Notwithstanding recent amendments to criminal laws and procedures aimed at restricting the application of the death penalty, China has reportedly continued to execute thousands of individuals annually. One report suggested that China carried out at least 2,400 executions, about 59 per cent of the world's total executions in 2015, with a similar rate of executions reported in the first half of 2016.[15]

22. In a recent report, the Secretary-General reiterated his alarm at the staggering rate of executions in the Islamic Republic of Iran (A/HRC/31/26, para. 6). The United Nations High Commissioner for Human Rights and several United Nations special procedures mandate holders have also repeatedly expressed concern at the surging execution rate in the country, and have called on its Government to institute a moratorium on executions. At least 900 executions of individuals, including women and children, were recorded in 2015, with some sources suggesting that there were more than 1,000 executions (ibid.). As of July 2016, approximately 250 people had reportedly been executed in the Islamic Republic of Iran.[16]

23. In Saudi Arabia, at least 158 people were reportedly executed in 2015, the highest number of executions recorded in Saudi Arabia since 1995,[17] for various crimes, including terrorism-related crimes. In 2016, Saudi Arabia has continued to execute on a large scale. On 2 January 2016, the United Nations High Commissioner for Human Rights expressed deep regret at the news that 47 people had been executed in a single day in Saudi Arabia, stating that the execution was a very disturbing development, particularly as some of those executed were accused of non-violent crimes.[18]

24. An increase in the number of executions was also reported in Egypt, Indonesia, Iraq and Somalia. In July 2016, the President of Iraq reportedly approved a decision to carry out death sentences for a number of prisoners convicted of serious terrorism offenses. The Ministry of Justice of Iraq also proposed amendments to article 270 of the Code of Criminal Procedure to speed up the implementation of death sentences. The United Nations Assistance Mission for Iraq and the United Nations High Commissioner for Human Rights have repeatedly reported that the international safeguards protecting the rights of those facing the death penalty are not being implemented in Iraq. In 2015, 14 people were reportedly executed in Indonesia for drug trafficking, an offence that does not meet the threshold of "most serious crimes" under international human rights law.[17] In July 2016, four people were also reportedly executed in Indonesia for drug-related offenses.[19]

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[15] Submission by Hands Off Cain (filed with the Secretariat and available for consultation).

[16] See Iran Human Rights, "Iran: 250 executions so far in 2016", 26 July 2016. Available from http://www.iranhr.net/en/articles/2585/.

[17] See Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2015*, index number ACT 50/3487/2016 (London, 2016) (available from https://www.amnesty.org/en/documents/act50/3487/2016/en/).

[18] See http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16921&LangID=E.

[19] See International Commission against Death Penalty, " Four executions carried out by Indonesian authorities" (3 August 2016). Available from http://www.icomdp.org/2016/08/four-executions-carried-out-by-indonesian-authorities/.

25. During the reporting period, executions were also reported in Afghanistan, Bangladesh, Belarus, Botswana, the Democratic People's Republic of Korea, India, Japan, Malaysia, Oman, Singapore, South Sudan, the Sudan, the United Arab Emirates, the United States of America, Viet Nam, Yemen, the State of Palestine (Gaza Strip) and Taiwan Province of China.

B. Resumption of executions

26. The resumption of executions runs counter to the international trend towards the reduction and eventual abolition of the death penalty. The question also arises as to whether resumption after a long period is compatible with human rights. In its general comment No. 6, the Human Rights Committee concluded that all measures of abolition should be considered as progress in the enjoyment of the right to life.[20] The Special Rapporteur on extrajudicial, summary or arbitrary executions commented that any resumption of executions, as with any other measure that increases the use of the death penalty, erodes protection of the right to life (A/69/265, para. 99).

27. During the reporting period, Chad, Jordan and Pakistan resumed execution. In Pakistan, the Government announced its decision to lift the moratorium on the death penalty specifically for cases related to terrorism.[21] In Jordan, ending an eight-year de facto moratorium on the death penalty, authorities executed 11 individuals in December 2014 for terrorism-related crimes. The United Nations High Commissioner for Human Rights expressed deep regret at the lifting of the moratoriums in Pakistan and Jordan, stressing that no judiciary was infallible.[22] Chad resumed executions after lifting a de facto moratorium introduced in 2003. On 29 August 2015, 10 suspected Boko Haram members were executed by firing squad after being sentenced to death in a trial following a swift process which may not have respected international human rights law. Special procedures mandate holders of the Human Rights Council condemned the resumption of executions in Chad and called upon the authorities of Chad to amend the anti-terrorism law of 30 July 2015 and to reinstate the moratorium on the use of the death penalty, with a view to its complete abolition.[23]

V. Protection of the rights of those facing the death penalty

28. In its resolution 69/186, the General Assembly called upon States to respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50. The authorities of Bahrain, Cuba, India, Kazakhstan, Malaysia, Morocco, Myanmar, Qatar, Saudi Arabia and the United Republic of Tanzania provided information regarding the legal guarantees and safeguards in capital cases within their respective jurisdictions. Such guarantees and safeguards include, among other things, limiting the use of the death penalty to the most serious crimes, the right to public trial, the right to legal

[20] See HRI/GEN/1/Rev.9 (Vol. I).

[21] In March 2015, Pakistan lifted the moratorium for all other capital crimes. As of June 2016, a total of 405 executions had been reported in Pakistan (reported by Justice Project Pakistan).

[22] See http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15447&LangID=E.

[23] See http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16388&LangID=E.

representation and counsel, respect for the principle of presumption of innocence, the right to appeal, freedom from torture and the prohibition of the death penalty for minors, pregnant women and persons with mental or intellectual disabilities.

29. The United Nations human rights treaty bodies continued to address the protection of the rights of individuals facing the death penalty in concluding observations following the examination of reports of State parties and when considering individual communications.

30. The Human Rights Committee is currently preparing a general comment on article 6 of the International Covenant on Civil and Political Rights on the right to life. The general comment will consolidate the views of the Committee on key components of the right to life. The death penalty issues being reviewed and addressed include the meaning of "most serious crimes"; the prohibition on mandatory death sentences; extradition; the duty to facilitate the right to seek pardon or commutation; and protection of persons with disabilities, lactating mothers and elderly persons.[24]

31. Trends regarding the protection of the rights of those facing the death penalty can be gleaned from recent annual reports of the Secretary-General on the question of the death penalty (see A/HRC/30/18 and A/HRC/33/20). Some key trends are also outlined below.

A. Limiting the use of the death penalty to "most serious crimes"

32. In accordance with article 6(2) of the International Covenant on Civil and Political Rights, States that have not abolished the death penalty may only impose the death penalty for the "most serious crimes". This is interpreted in international human rights jurisprudence as the crime of murder or intentional killing.[25] There are currently 33 States or territories that prescribe the death penalty for "drug offences", which do not meet the threshold of "most serious crimes". The International Narcotics Control Board encouraged States that still imposed the death penalty for drug-related offences to abolish that punishment.[26]

33. The application of the death penalty for overly broad and vaguely defined terrorist offences remains a serious concern, particularly where such acts do not meet the threshold of "most serious crimes", and could amount to violation of article 6 of the Covenant. In his statement to the sixth World Congress against the Death Penalty,[27] the High Commissioner for Human Rights stated that some States criminalized the legitimate exercise of fundamental freedoms with overly vague counter-terrorism legislation. Participation in peaceful protests and criticism of a Government — whether in private, online or in the media — were neither crimes nor terrorist acts. The threat or use of the death penalty in such cases was an egregious violation of human rights.

34. Furthermore, imposition of the death penalty for offences relating to consensual adult same-sex conduct continues to be provided for in the laws of Iran

[24] Draft general comment No. 36 (CCPR/C/GC/R.36).

[25] See E/2010/10, paras. 59-68, for further information on "most serious crimes".

[26] See A/HRC/33/20, for further information on the death penalty for drug crimes.

[27] Available from http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20150&LangID=E.

(Islamic Republic of), Mauritania, Saudi Arabia, the Sudan and Yemen. In addition, local and regional courts in parts of Somalia and Nigeria continued to have the power to impose the death penalty for such offences on the basis of Sharia law. As a result, men, women and transgender persons have reportedly been sentenced to death. While no cases of executions for consensual same-sex conduct have been confirmed in recent years, the mere existence of such laws has an intimidating effect on all lesbian, gay, bisexual, transgender and intersex persons and, as with other criminalization of same-sex relationships, reinforces stigma and fuels discrimination and violence against anyone perceived to be lesbian, gay, bisexual, transgender or intersex (see A/HRC/30/18, para. 35).

35. In some countries, apostasy, blasphemy and other so-called religious crimes remain punishable by death. According to international human rights jurisprudence, non-belief or atheism can neither be considered as crimes nor do they meet the threshold of "most serious crimes" (see CCPR/C/79/Add.85, para. 8). In a statement in April 2016,[28] a spokesperson for OHCHR deplored the confirmation of the death sentence for apostasy against a blogger in Mauritania. Referring to international human rights norms, the spokesperson for the Office recommended that the Supreme Court of Mauritania overturn the death sentence. Up to 27 men were reportedly arrested in November 2015 in the Sudan for apostasy, which carries the possible punishment of death.[29] In the Islamic Republic of Iran, individuals reportedly remained under investigation for "apostasy" and "insulting the Prophet", which could carry the death penalty.[17] A court in the state of Kano of Nigeria reportedly sentenced an Islamic scholar and eight of his followers to death for blasphemy.[17] In November 2015, a Palestinian was sentenced to death in Saudi Arabia for apostasy and blasphemy-related charges.[30] Furthermore, atheists and non-believers living in 13 countries risk being condemned to death for their beliefs (or non-beliefs).

B. Fair trial guarantees

36. Imposition of the death sentence upon the conclusion of a trial that has not respected the provisions of article 14 of the International Covenant on Civil and Political Rights constitutes a violation of the right to life (see CCPR/C/GC/32, para. 59). Furthermore, forcing an individual to make or sign, under duress, a confession admitting guilt violates article 7 and article 14(3)(g) of the Covenant. Reportedly, in many States where individuals are sentenced to death or executed, the death penalty is imposed following proceedings that failed to meet international fair trial standards. In many cases, sentences were based on "confessions" that were allegedly extracted through torture or other ill-treatment.[31]

[28] Available from http://www.un.org/apps/news/story.asp?NewsID=53785#.V4ULQE1f3cs.

[29] International Humanist and Ethical Union, *The Freedom of Thought Report 2015: A Global Report on Discrimination against Humanists, Atheists and the Non-religious*. Available from http://freethoughtreport.com/download-the-report/.

[30] Human Rights Watch, "Saudi Arabia: poet sentenced to death for apostasy", 23 November 2015. Available from https://www.hrw.org/news/2015/11/23/saudi-arabia-poet-sentenced-death-apostasy.

[31] For further details on fair trial guarantees, see A/HRC/33/20, paras. 30-39.

C. Prohibition of extradition, expulsion or deportation in death penalty cases

37. Pursuant to international human rights jurisprudence, an individual should not be extradited or deported to a country where there is a "necessary and forseeable consequence" that article 6 of the International Covenant on Civil and Political Rights will be violated.[32] In February 2015, the European Court of Human Rights held that Poland had committed multiple violations of the European Convention on Human Rights[33] and its Protocol No. 6 concerning the abolition of the death penalty by enabling the transfer of a Saudi national into the custody of the United States of America. The Court found that Poland had exposed the individual to a foreseeable serious risk of the death penalty following trial, and required Poland to remove this risk by seeking assurances from the United States.[34] The Australian Parliament's inquiry on the death penalty (see para. 15) recommended that the authorities ensure that current legislative arrangements for extradition comply with Australia's obligations under the Second Optional Protocol to the Covenant.[7]

VI. Prohibition of the use of the death penalty against children, persons with mental or intellectual disabilities and other vulnerable groups

A. Children

38. Reportedly, the legislation of 15 States continues to allow the application of the death penalty to individuals accused of committing a crime while under the age of 18, a violation of articles 6 of the International Covenant on Civil and Political Rights and 37 of the Convention on the Rights of the Child.[35] According to the United Nations Children's Fund (UNICEF), there were reports of juveniles sentenced to the death penalty under the Anti-Terrorism Act of Pakistan. The Committee on the Rights of the Child expressed great concern about the continued execution of juveniles in the Islamic Republic of Iran, and called for abolition of the death penalty as a means of punishment for children (see CRC/C/IRN/CO/3-4). Juvenile offenders are also reportedly on death row in Maldives, Saudi Arabia and Yemen.

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[32] See CCPR/C/61/D/706/1966, para. 8.1 (available from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f61%2fD%2f1706%2f1996&Lang=en), see also Commission on Human Rights resolution 2005/59.

[33] Violation of articles 3, 5, 6 and 8 of the European Convention on Human Rights, as well as article13, when read in conjunction with article 3.

[34] See European Court of Human Rights, *Al Nashiri v. Poland*, application No. 28761/11, Judgment, 24 July 2014. Available from http://hudoc.echr.coe.int/eng?i=001-146044&%7B%22itemid%22%3A%5B%22001-146044%22%5D%7D#{"itemid":["001-146044"]}.

[35] See Child Rights International Network, "The death penalty: inhuman sentencing of children". Available from http://www.crin.org/en/home/campaigns/inhuman-sentencing/problem/death-penalty.

B. Persons with mental or intellectual disabilities

39. In its resolution 69/186, the General Assembly, reaffirming existing international human rights norms and jurisprudence, called upon States not to impose the death penalty on persons with mental or intellectual disabilities. During the period under review, it was reported that individuals with mental or intellectual disabilities were executed or awaiting execution in several countries, including the Democratic Republic of the Congo, Indonesia, Japan, Pakistan, Trinidad and Tobago and the United States.[36]

40. Courts in the Caribbean region have continued to restrict the implementation of the death penalty, specifically in relation to those with mental illness. In one case,[37] a court quashed a death sentence by substituting a conviction for murder with a verdict of manslaughter on the grounds of diminished responsibility.

41. Medical experts play a crucial role in the prohibition of the use of the death penalty against persons with mental or intellectual disabilities. Responding to the need to enhance the skills of medical experts who participate in the criminal justice process, the Death Penalty Project of the United Kingdom organized a series of focused forensic psychiatry training workshops in Barbados, Jamaica, Kenya, Malaysia, Saint Kitts and Nevis, Trinidad and Tobago and Taiwan Province of China.

C. Minorities

42. Under article 26 of the International Covenant on Civil and Political Rights, all persons are equal before the law and are entitled to equal protection without any discrimination. However, in many countries, the death penalty is imposed and carried out more frequently against persons belonging to minority groups, and such groups are subject to higher rates of arrest, detention and sentencing. In addition to being disproportionately targeted under laws providing for the death penalty, persons belonging to minorities face further difficulties during trial processes. Disadvantages are often compounded by poverty and low rates of education and literacy in marginalized sections of society.

43. At its eighth session, held in November 2015 pursuant to Human Rights Council resolutions 6/15 and 19/23, the Forum on Minority Issues considered the theme of "Minorities in the criminal justice system" and discussed issues related to the use of the death penalty against minorities. It recommended that in countries that had not abolished the death penalty, States should ensure that it is not applied as a result of discriminatory or arbitrary application of the law, including, the lack of equal access to competent legal assistance. It further recommended that States implement safeguards guaranteeing protection of the rights of those facing the death penalty and undertake further studies to identify the underlying factors contributing to the substantial racial and ethnic disparities in the application of the death penalty, with a view to developing effective strategies aimed at eliminating discriminatory

[36] Submissions of the Director of Public Prosecutions of the United Kingdom of Great Britain and Northern Ireland, Justice Project Pakistan, Amnesty International and Reprieve (on file with the Secretariat and available for consultation).

[37] Court of Appeal of Trinidad and Tobago, *Robinson v. The State*, Privy Council appeal No. 0038 of 2013 (20 July 2015). Available from https://www.jcpc.uk/cases/docs/jcpc-2013-0038-judgment.pdf.

practices. The Forum further noted evidence that in some countries the death penalty was imposed and carried out more frequently against persons belonging to minority groups. It recommended that this fact be considered by States as an additional, decisive argument in favour of abolition (see A/HRC/31/72, paras. 71 and 72).

D. Foreign nationals, including migrant workers

44. In his most recent report to the General Assembly, the Special Rapporteur on extrajudicial, summary or arbitrary executions explored the extent to which violations of safeguards designed to regulate the death penalty particularly impact an often already marginalized group, namely, foreign nationals (including migrant workers), and what additional responsibilities States have in this regard. The Special Rapporteur concluded that in States that have not yet abolished it, the impact of the death penalty on foreign nationals draws attention to various structurally discriminatory dimensions to its application, including financial or linguistic barriers, which may also impact domestic defendants. At the same time, the direct responsibilities that other States have with respect to the protection of the right to life of their nationals to intervene via consular services, implies a duty of due diligence with respect to nationals potentially facing the death penalty overseas (see A/70/304, paras. 112-120).

45. With regard to the protection of foreign nationals facing the death penalty, the Special Rapporteur stated that law enforcement officials of the prosecuting State had a duty to notify criminal suspects whom they had grounds to believe to be foreign nationals of their right to consular notification and access under the Vienna Convention on Consular Relations. The Special Rapporteur also recommended that States that had abolished the death penalty should take all reasonable steps to ensure that their citizens do not face the death penalty overseas (ibid.).

46. Mexico reported that its legal assistance programme for death penalty cases ensured legal representation in pretrial court proceedings, appeals and post-sentencing in cases involving Mexican nationals abroad. From its inception in 2000 until March 2016, the programme had analysed 1,735 cases involving Mexican nationals facing legal proceedings in the United States for murder. Through its intervention, the programme had helped prevent or reverse the application of the death penalty in 958 cases. The success of Mexico's legal assistance programme shows that the active defence of people facing the death penalty can have a measurable and significant impact in reducing the application of the death penalty.

47. The Australian Parliament's inquiry on the death penalty recommended that the Department of Foreign Affairs and Trade develop guidelines for its support to Australians at risk of the death penalty overseas. The document should guide the coordination of consular assistance, diplomatic representation, legal support and funding assistance, communication and media strategies and other forms of support offered by the Government.[7]

VII. The role of national human rights institutions in the implementation of General Assembly resolution 67/176

A. Advocacy

48. In retentionist and de facto abolitionist States, national human rights institutions have continued to play an important advocacy role in encouraging the abolition of the death penalty or the imposition of a moratorium pending abolition. The national human rights institution of Kenya published a position paper outlining its opposition to the death penalty,[38] submitting that "the death penalty constitutes a violation of the most fundamental right, the right to life" and that "enforcement of the death penalty amounts to cruel, inhuman and degrading treatment and punishment of the condemned person". In January 2016, the national human rights institution of Sri Lanka also recommended abolition of the death penalty, noting that the death penalty "seriously violates several human rights, including the right to life and freedom from cruel and inhuman punishment, is an extreme and irreversible punishment and is ineffective as a deterrent to crime."[39] In annual reports to legislatures, several national human rights institutions, such as those in Guatemala, Kenya, Mongolia, Morocco and Sri Lanka, recommended abolition of the death penalty and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights. Acting upon such a recommendation, the Parliament of Mongolia ratified the Second Optional Protocol and removed the death penalty from the Penal Code.[40]

49. National human rights institutions also foster debate and raise awareness. The national human rights institution of Morocco held a national debate, with civil society and public participation, regarding the death penalty. The national human rights institution of Mali organized an expert meeting on the death penalty aimed at shifting political and public opinion by sharing lessons learned from abolitionist States in the region. The declaration adopted at the end of the meeting sets out strategic action on the path to abolition.

50. The national human rights institution of Australia has promoted the abolition of the death penalty at the Commonwealth Heads of Government Meeting and the meeting of the Association of Southeast Asian Nations Intergovernmental Commission on Human Rights. In December 2014, the national human rights institution of Algeria organized, in collaboration with OHCHR, an expert seminar on the abolition of the death penalty in the Middle East and North Africa to evaluate efforts and discuss constraints and challenges at the regional level. National human rights institutions also regularly use the universal periodic review process to draw attention to issues related to the death penalty.

[38] Available from http://www.knchr.org/Portals/0/CivilAndPoliticalReports/PP2%20-%20Abolition%20of%20the%20death%20penalty%20-%20final.pdf.

[39] See http://hrcsl.lk/english/wp-content/uploads/2016/01/RECOMMENDATION-TO-ABOLISH-THE-DEATH-PENALTY-IN-SRI-LANKA-E-1.pdf.

[40] Submission of the national human rights institution of Mongolia (on file with the Secretariat and available for consultation).

B. Research

51. National human rights institutions conduct essential research to illuminate the debate on capital punishment. Concerned at the lack of empirical research on the death penalty, the Supreme Court of India invited the country's national human rights institution to conduct research to allow for an up-to-date and informed discussion. The Asia Pacific Forum has reviewed comparative differences between international norms and domestic laws of its members to identify legislative gaps. The efforts of national human rights institutions can be an important tool in gathering data and increasing transparency. For example, the national human rights institution of Sri Lanka has undertaken an initiative to ascertain the number of people on death row in the country.

C. Technical support

52. National human rights institutions have also provided assistance and support to the judiciary to reduce the number of executions. In Morocco, the national human rights institution published documentation that offered judges alternative viewpoints on jurisprudence and highlighted the fact that a judge should refuse to impose the death sentence in cases that would violate international human rights law.[41] The national human rights institution in Nigeria worked with Lawyers without Borders to provide, in the context of the death penalty, capacity-building for lawyers, free legal assistance to inmates, awareness-raising for political and judicial stakeholders and the strengthening of advocacy and communication. The national human rights institution of Uganda provided a position paper on proposed legislation to restrict the application of the death penalty to the most serious crimes, which analysed the bill in light of relevant international human rights standards.

D. Monitoring compliance with international standards

53. National human rights institutions are important actors in monitoring compliance with standards for the protection of the rights of persons facing the death penalty. The national human rights institution of Malawi successfully challenged the constitutionality of the mandatory death penalty before the Supreme Court of Malawi,[42] resulting in an amendment of the Penal Code, whereby the mandatory death penalty was removed. Furthermore, the national human rights institution of Malawi conducted a resentencing project which identified problems with the justice system and found that lack of resources had placed excessive pressure on legal aid services, resulting in ineffective representation and the sentencing of juvenile offenders to death in error.[43]

54. The national human rights institution of Afghanistan has recommended that the Government work to overcome certain challenges with the judicial system to

[41] Submission by the national human rights institution of Morocco (on file with the Secretariat and available for consultation).

[42] High Court of Malawi, *Kafantayeni v. Attorney General*, constitutional case No. 12 of 2005 (27 April 2007).

[43] See Malawi Human Rights Commission, *Annual Report 2014* (Lilongwe, 2015). Available from http://www.hrcmalawi.org/2014annualreport.pdf.

better ensure respect for international standards with regard to the death penalty and that the Government impose a moratorium on executions with a view to abolition. In 2016, as part of its monitoring of trials, the Commission expressed concerns publicly regarding the failure to ensure fair trials for several individuals who were sentenced to death.[44] The national human rights institution of Maldives has corresponded with the Prosecutor General's office regarding the number of minors sentenced to death.[45] Upon the intervention of the national human rights institution of India, a death sentence of a juvenile was commuted.[46] The Sindh Human Rights Commission, a regional human rights institution in Pakistan, released observations regarding a capital case where there were serious doubts about the age of the convict and the sole evidence for his conviction was a confession possibly extracted under torture. Mexico's national human rights institution works to avoid the execution of Mexicans sentenced to death abroad by monitoring relevant criminal cases and keeping the Ministry of Foreign Affairs informed of such cases.[47]

VIII. The role of private companies in advancing the abolition of the death penalty

55. During the reporting period, at least nine companies took steps to prevent prison authorities from purchasing their drugs for lethal injection. For instance, the pharmaceutical company Pfizer announced restrictions on the sale of seven products that have been part of lethal injection protocols in some States. Generics drug manufacturer Akorn announced that it would prohibit future sales of drugs for executions.[48]

56. The United Nations High Commissioner for Human Rights welcomed the announcement by Pfizer and called on all businesses to act in accordance with their human rights responsibilities as set out in the Guiding Principles on Business and Human Rights to avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur as well as to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services. He emphasized that companies beyond the pharmaceutical industry might be involved in activities relating to the administration of the death penalty, and called on such businesses to carry out human rights due diligence to ensure that they are not contributing to the use of capital punishment. He also urged States not to resort to questionable sources for the drugs required to administer lethal injections.[49]

57. At the national and regional levels, institutions focused on promoting responsible business worked closely with companies to prevent the use of drugs in executions. For instance, the national contact point in the Netherlands of the

[44] See http.www.aihrc.org.af/home/press_release/5590.

[45] Submission of the national human rights institution of Maldives (on file with the Secretariat and available for consultation).

[46] India, Law Commission of India, "The death penalty", report No. 262 (New Delhi, 2015). Available from http://lawcommissionofindia.nic.in/reports/report262.pdf.

[47] Submission of the national human rights institution of Mexico (on file with the Secretariat and available for consultation).

[48] Submission of Reprieve (on file with the Secretariat and available for consultation).

[49] See http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19991&LangID=E.

Organization for Economic Cooperation and Development reached an agreement with Dutch drug manufacturer Mylan to impose standard distribution controls that prohibit the use of its products for executions. The European Union took steps to strengthen Europe-wide export licensing procedures for products sought by prisons for use in executions.

IX. International and regional initiatives relating to the implementation of General Assembly resolution 67/176

A. Human Rights Council

58. Pursuant to its resolution 26/2, the Human Rights Council held its first biennial high-level panel discussion on the question of the death penalty on 4 March 2015, at its twenty-eighth session. The panel discussed regional efforts aimed at abolition of the death penalty and the challenges faced in that regard (see A/HRC/30/21). In adopting resolution 30/5, the Council urged all States to protect the rights of persons facing the death penalty and other affected persons by complying with their international obligations, including the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

59. Special procedures mandate holders of the Council continued to monitor the application of international human rights standards for the protection of rights of those facing the death penalty. During the reporting period, the Special Rapporteur on extrajudicial, summary or arbitrary executions and other mandate holders urged the authorities of Afghanistan, Bangladesh, Belarus, Chad, the Democratic People's Republic of Korea, Egypt, the Gambia, Indonesia, Iran (Islamic Republic of), Iraq, Maldives, Pakistan, Saudi Arabia, Singapore, Somalia, the Sudan and the United States to maintain stringent respect for international human rights standards, including due process and fair trial guarantees, in death penalty cases. During the universal periodic review process, the Council also continued to address the death penalty issue, with several States accepting recommendations on moratoriums and the path towards abolition.

60. In their submissions, Argentina, Australia, Bosnia and Herzegovina, Finland, France, Italy, Mexico, Morocco, Portugal, Spain, New Zealand, Slovenia, Switzerland and Venezuela referred to their initiatives for addressing the issue of the death penalty during sessions the of the Council and the universal periodic reviews.

B. Office of the High Commissioner for Human Rights

61. The OHCHR management plan for 2014-2017 includes a specific strategic focus aimed at increasing the number of States that have abolished the death penalty or, pending abolition, increasing the compliance of retentionist States with international human rights norms and standards. During the reporting period, OHCHR, in cooperation with Argentina, Benin, Fiji, Italy, Rwanda and the European Union, organized a series of global and regional events on the theme "Moving away from the death penalty", which focused on drug offences and terrorism, the rights of victims and regional efforts in Africa. During the sessions of the Human Rights Council, in cooperation with Australia, Belgium, France, Mexico and Switzerland, OHCHR organized side events and expert meetings on protection of the rights of persons

facing the death penalty abroad and the role of national human rights institutions in the abolition of the death penalty. OHCHR also released a publication entitled *Moving Away from the Death Penalty: Arguments, Trends and Perspectives*.[50]

62. OHCHR also continued to monitor the application of the death penalty. Its country and regional offices provided technical assistance and advice for advancing abolition in Afghanistan, Guinea, Guatemala, Indonesia, Maldives, Pakistan, Saudi Arabia, Thailand, Uganda, the United States and the State of Palestine. OHCHR also provided a submission to Australia's parliamentary inquiry on the abolition of the death penalty.[51]

C. United Nations peacekeeping operations, country teams and other entities

63. United Nations peacekeeping missions, country teams in several States continued to monitor the use of the death penalty and provide technical advice and assistance for advancing the abolition of the death penalty and for the protection of the human rights of persons facing the death penalty. For instance, the United Nations Assistance Mission for Iraq has repeatedly and publicly reported on problems in the implementation of international standards providing safeguards to those facing the death penalty. The United Nations country team in Belarus organized an international conference on the death penalty in Minsk in March 2016. The Office of the United Nations Resident Coordinator in Zambia presented a submission on international human rights standards on the use of the death penalty to the country's National Assembly in 2015. UNICEF continued to advocate for the prohibition of the use of the death penalty against juvenile offenders. The United Nations Office on Drugs and Crime continued to call for the abolition of the death penalty for drug offences.[52]

D. Sixth World Congress against the Death Penalty

64. Under the sponsorship of Australia, France and Norway, Ensemble contre la peine de mort and the World Coalition against the Death Penalty organized the sixth World Congress against the Death Penalty in June 2016. In the Declaration adopted at the end of the Congress,[53] participants called on States to work towards the abolition of the death penalty by implementing a moratorium on death sentences and executions, in compliance with resolutions adopted by the General Assembly on a moratorium since 2007. They also called upon States to follow the 81 countries that had already ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights and called upon intergovernmental and international

[50] Available from http://www.ohchr.org/Lists/MeetingsNY/Attachments/52/Moving-Away-from-the-Death-Penalty.pdf.

[51] See http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Death_Penalty/Submissions.

[52] See https://www.unodc.org/unodc/en/press/releases/2015/April/statement-of-the-unodc-executive-director-yury-fedotov-on-the-use-of-the-death-penalty-in-indonesia.html.

[53] Available from http://congres.abolition.fr/wp-content/uploads/2016/06/Final-Declaration-of-the-6th-World-Congress-Against-the-Death-Penalty.pdf.

organizations to continue and intensify cooperation with States and civil society to promote the universal abolition of the death penalty.

E. Regional initiatives

65. In its general comment No. 3 regarding the right to life,[54] the African Commission on Human and Peoples' Rights sets out its position against the death penalty, describes minimum standards under international law concerning its use and makes recommendations regarding due process, the execution of vulnerable individuals, transparency of executions, including advance notice of executions and post-execution treatment of the body.

66. During the reporting period, the Committee of Ministers of the Council of Europe held consultations on ratification of Protocols 6 and 13 to the European Convention on Human Rights and on developments in observer States, such as Japan and the United States of America, and in neighbouring countries, such as Jordan and Tunisia. The various organs of the Council of Europe issued statements regretting executions in Belarus, Japan and the United States of America. In its Action Plan on Human Rights and Democracy 2015-2019, the European Union lists abolition of the death penalty as a key priority.[55] The European Union has also called for the comprehensive inclusion of the issue in all European Union support actions towards partner countries and civil society organizations. The Organization for Security and Cooperation in Europe reported that its participating States had agreed to consider the potential abolition of the death penalty, to exchange information towards that end and to make information on the use of the death penalty available to the public.

67. In June 2015, on the twenty-fifth anniversary of the Protocol to the American Convention on Human Rights to Abolish the Death Penalty (adopted in 1990), the Inter-American Commission on Human Rights welcomed the progress that had been made over the years towards the abolition of the death penalty. The Commission urged the Member States of the Organization of American States that retained the death penalty to abolish it, or to impose a moratorium on its use as a step towards abolishing it, and further urged those States that had not done so to ratify the Protocol.[56]

X. Conclusion and recommendations

68. **In the light of the evolution of international human rights law and jurisprudence and State practice, the imposition of the death penalty is incompatible with fundamental tenets of human rights, in particular human dignity, the right to life and the prohibition of torture or other cruel, inhuman or degrading treatment or punishment. The application of the death penalty has often been found to violate the right to equality and the principle of non-discrimination in the administration of justice. I am concerned that the decision about whether to sentence a convict to death or to lesser punishment is**

[54] Available from http://www.achpr.org/files/instruments/general-comments-right-to-life/general_comment_no_3_english.pdf.

[55] Available from http://eeas.europa.eu/factsheets/news/150720_eu_action_plan_on_human_rights_and_democracy_2015-2019_factsheet_en.htm.

[56] See http://www.oas.org/en/iachr/media_center/PReleases/2015/062.asp.

far too often arbitrary and does not necessarily follow predictable, rational criteria. The odds are often stacked against the poor, persons belonging to racial and other minorities and other groups that are commonly targets of discrimination, including women, foreign nationals and migrant workers.

69. I am convinced that there is no evidence that the death penalty deters crime more than other forms of punishment. It is not the severity of punishment that deters wrongdoers, but its certainty. To curb crime, the focus should therefore be on reforming the justice system to ensure that it complies with international human rights law and is more effective and humane.

70. I welcome the considerable progress that has been made towards the universal abolition of the death penalty since the adoption of General Assembly resolution 69/186. Seven States abolished the death penalty for all crimes in the period from December 2014 to July 2016. Still, serious challenges remain. It is a matter of grave concern to me that the overall number of executions worldwide increased in 2015. Furthermore, in spite of having maintained long-term moratoriums, some States resumed executions. I believe that resumptions of executions go against the spirit of international human rights law.

71. Moratoriums are useful transition tools towards abolition. States with moratoriums should maintain and strengthen their policies against the death penalty. Pending abolition, national prosecutors may consider refraining from seeking the death penalty. Judges may consider not imposing it.

72. States that have abolished the death penalty should not reintroduce it. Constitutional prohibitions add a strong protective barrier in States that have ended the death penalty. They make resuming its use far more difficult and should be considered by all States. Furthermore, States should ratify or accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights. When a State ratifies the Protocol, it guarantees that nobody can be executed within its jurisdiction. International law does not permit a State that has ratified or acceded to the Second Optional Protocol to denounce it or withdraw from it. The Protocol thus guarantees permanent non-reintroduction of the death penalty in States parties.

73. Pending abolition, retentionist States must bring their practices into compliance with international human rights standards. In particular, as stipulated in article 6(2) of the International Covenant on Civil and Political Rights on the right to life, the imposition of the death penalty is limited to the "most serious crimes", that is, intentional killing. Accordingly, the death penalty must not be imposed for drug offences, consensual same-sex activities, adultery, sodomy, blasphemy or so-called "religious crimes", as they do not meet the threshold of "most serious crimes". Even in the case of the most serious crimes the death penalty should not be mandatory. Courts should be provided the discretion to consider the particularities of each individual case, including any mitigating factors, such as respect for the principle of non-discrimination, poverty and other socioeconomic factors. Furthermore, States must adhere to fair trial guarantees as stipulated in article 14 of the Covenant.

74. States that still use the death penalty must ensure that juvenile offenders are not subject to it. Persons who have been sentenced to death for crimes committed when they were under the age of 18 should be resentenced to a lesser

sentence. I also call on States to ensure that persons with mental or intellectual disabilities are not sentenced to death. Laws and sentencing guidelines must be developed or amended to prohibit the unlawful sentencing and execution of such persons.

75. **The use and implementation of the death penalty without the requisite transparency casts doubt on the compliance with international human rights standards. Retentionist States should systematically and publicly provide full and accurate data on death sentences, including information on the crimes charged and the characteristics of convicted and executed persons. Disaggregated data, including on gender, age, nationality and other relevant demographics of the persons affected, are necessary to ensure compliance with international human rights standards. I do not believe that there is any valid reason to establish death penalty data as classified or a "State secret".**

76. **National human rights institutions in many States have played an important role in encouraging abolition of the death penalty or the imposition of a moratorium pending abolition, including through their advice to Governments and engagement with civil society and the public to foster debate and raise awareness. Additional work by national human rights institutions has included the monitoring of trials to ensure compliance with international human rights law. States should support initiatives by national human rights institutions, provide them with the necessary resources and implement their recommendations related to the introduction of moratoriums aimed at the abolition of the death penalty.**

77. **The international community, including United Nations offices, peacekeeping missions, departments, agencies and funds, as well as regional intergovernmental bodies and other entities, such as non-governmental organizations, should continue and strengthen their support for the global abolition of the death penalty. I call on all States to cooperate with these bodies and organizations in their efforts towards the abolition of the death penalty. Furthermore, all businesses and private companies should act in accordance with their human rights responsibilities as set out in the Guiding Principles on Business and Human Rights. This is necessary in order to ensure that their operations, products or services do not contribute to the practice of the death penalty.**